BEFORE THE WYOMING STATE BOARD OF NURSING

IN THE DISCIPLINARY MATTER OF

ERIC CANTRELL,
REGISTERED PROFESSIONAL NURSE
LICENSE NO. RN 18706

) Docket No. 10-066 – MB/MKG

) Prior Discipline Docket Nos.

) 09-10-546 and 05-034

SETTLEMENT AGREEMENT, STIPULATION AND ORDER
FOR FURTHER CONDITIONAL LICENSE

COMES NOW the Disciplinary Committee ("PETITIONER") of the Wyoming State Board of Nursing ("Board"), and ERIC CANTRELL, RN ("RESPONDENT"), pursuant to WYO. STAT. § 16-3-107(n) of the Wyoming Administrative Procedure Act ("WAPA") and WYO. STAT. § 33-21-122(c)(x) of the Wyoming Nurse Practice Act ("NPA"), and Chapter 8, Section 4 [Disciplinary Committee and Review of the Original Complaint] of the Administrative Rules and Regulations of the Wyoming State Board of Nursing ("Board’s Rules"), and enter into this Settlement Agreement, Stipulation and Order for Further Conditional License ("Agreement"), subject to approval by the Board.

FINDINGS OF FACT

1. RESPONDENT is a Licensed Registered Professional Nurse in the state of Wyoming and holds License No. RN 18706, which expires on December 31, 2012, as reflected in the records of the Board. RESPONDENT’s license was the subject of a disciplinary investigation that resulted in a conditional license in accordance with Settlement Agreement, Stipulation and Order for Conditional License approved by the Board on November 16, 2010 ("2010 Conditional License"), a copy of which is attached hereto as Exhibit A. Among the terms of the 2010 Conditional License, RESPONDENT was required to be professionally monitored by the Nurse Monitoring Program ("NMP"), to include random drug screens, and that any significant violation of the 2010 Conditional License, such as a positive drug screen, would result in the immediate suspension of his license.

Factual Allegations Following Entry of 2010 Conditional License

2. On August 12, 2011, the Board entered an order of summary suspension as the result of motion by PETITIONER for the same due to a significant violation of the 2010 Conditional License by RESPONDENT, and specifically, subsequent relapses evidenced by a positive drug screen for alcohol consumption and other noncompliance with the NMP, as well as a determination by the Board that despite the evidence of his status indicated by a substance abuse evaluation, as well as witnesses testifying on his behalf, RESPONDENT presented a clear and immediate danger to the public safety if permitted to continue to practice ("2011 Summary Suspension Order"), a copy of which is attached hereto as Exhibit B. The 2011 Summary Suspension Order would expire on or about September 27, 2011 and required RESPONDENT to submit to a psychiatric evaluation, a report of which to be provided to the Board prior to the expiration of the 2011 Summary Suspension Order.
3. RESPONDENT submitted to a psychiatric evaluation as reflected in a written report dated August 13, 2011, by Mark Walter, MD, to provide diagnostic impressions of RESPONDENT, to include a screening for substance use disorders, as well as to comment on his relapse potential should a substance use disorder be identified and on his understanding of RESPONDENT’s ability to practice nursing with reasonable safety, recommending as needed any precautions that would help to ensure that safety. Such evaluation concluded that RESPONDENT met DSM-IV diagnostic criteria of Amphetamine/Methamphetamine Dependence, in full sustained remission, Major Depressive Disorder, recurrent, in full remission, Generalized Anxiety Disorder, and Alcohol abuse, as well as reflecting a Global Assessment of Functioning (“GAF”) score of 70. The psychiatric evaluation also contained the following information:

a. Dr. Walter also determined that RESPONDENT should be considered to be at high risk of chemical relapse given his history of multiple relapse behaviors and his refusal to submit to the terms of professional monitoring, further noting that his recurrent depression and current untreated generalized anxiety contributed to such risk.

b. Dr. Walter recommended that RESPONDENT be subject to further professional monitoring for a minimum term of five (5) years, which would specify “no tolerance” of any relapse behaviors, to include not only verified chemical relapses, but also administrative relapses or noncompliance that are attributed to failure to make daily call-ins or failure to provide a specimen for urine drug screen (“UDS”) when requested. Dr. Walter noted that monitoring programs in other states with which he was familiar would subject a nurse in a similar position to RESPONDENT to “lifetime” professional monitoring (an agreement to remain in the professional monitoring program as long as the nurse held a professional license).

c. Dr. Walter also recommended that treatment for recurrent depression and generalized anxiety become a component of his recovery plan and of his professional monitoring. Because of the complicated nature of RESPONDENT’s mood difficulties, Dr. Walter suggested psychiatric services from a residency-trained psychiatrist or psychologist experienced in psychodynamic psychotherapy.

Grounds for Further Disciplinary Action RE: WSBN Case No. 10-066

4. PETITIONER alleges that RESPONDENT’s above-described conduct, as set forth in Paragraph 2 hereinabove, and as specifically indicated in the 2011 Summary Suspension Order, constitutes violations of the NPA include: WYO. STAT. § 33-21-146(a)(i) [act inconsistent with standards of nursing practice], WYO. STAT. § 33-21-146(a)(iv)(A) and (B) [unfitness/incompetency due to use of drugs or other mind altering chemical/failure to conform to the standards of prevailing nursing practice], WYO. STAT. § 33-21-146(a)(ix) [violation of any of the provisions of NPA or Board’s Rules]; and WYO. STAT. § 33-21-146(a)(xii) [violation of a previously entered Board order].

[CONTINUED ON FOLLOWING PAGE]
5. PETITIONER alleges that RESPONDENT’s above-described conduct, as set forth in Paragraph 2 hereinabove, and as specifically indicated in the 2011 Summary Suspension Order, constitutes violations of the Board’s Rules include: unprofessional conduct [Chapter 3, Section 4(a)(i)(K)]; failure to comply with reasonable requests from the board [Chapter 3, Section 4(a)(i)(M)(IV)]; substance abuse/dependency/impairment [Chapter 3, Section 4(a)(i)(N)(IV)]; and failure to conform to the standards of prevailing nursing practice, in which case actual injury need not be established [Chapter 3, Section 4(a)(ii)].

Recommendations for Further Disciplinary Action RE: WSBN Case No. 10-066

6. Violation of the foregoing statutory and rule provisions are subject to discipline of RESPONDENT’s Registered Professional Nurse License. Accordingly, in light of RESPONDENT’s noncompliance with professional monitoring, including committing a significant violation of the terms of his 2010 Conditional License, and other mitigating circumstances, as well as the recommendations indicated in the psychiatric evaluation described in Paragraph 3, PETITIONER recommends that a conditional license for an indefinite term, not less than sixty (60) months, is an appropriate alternative to the initiation of further disciplinary proceeding for other forms of discipline, subject to the terms and conditions as described below.

7. Suspension Stayed. PETITIONER recommends that RESPONDENT be suspended from the practice of nursing for a minimum period of one (1) year from the effective date of this Agreement. Such suspension shall be stayed provided that RESPONDENT remains fully compliant with this Agreement.

8. Terms of Conditional License. PETITIONER recommends that RESPONDENT’s Registered Nurse License be subject to the following terms and conditions:

   a. Monitoring Program Requirements. RESPONDENT shall be monitored by the NMP, or other similar entity approved by the Board, for an indefinite term, not less than sixty (60) months, from the effective date of this Agreement and remain compliant with all terms of the current (and any subsequent) Monitoring Agreement(s), which are incorporated herein by this reference.

      (1) RESPONDENT shall promptly provide the Board with any and all modifications to his Monitoring Agreement(s), as well as any change in his employment status, change in contact information, and any violation of this Agreement.

      (2) RESPONDENT shall submit to random drug screens, which should include screening for alcohol and its metabolites, all commonly prescribed opioids and synthetic opioids, and other drugs of abuse, which, if positive, shall constitute a relapse. The screen should also be able to detect diluents and common adulterants designed to skew results, and confirmed detection of an adulterant shall be treated as a relapse. RESPONDENT shall also make timely notification to the NMP of medically authorized prescriptions as required by the NMP.

IN THE DISCIPLINARY MATTER OF ERIC CANTRELL, RN 18706– Docket No. 10-066 – MB/MKG
SETTLEMENT AGREEMENT, STIPULATION AND ORDER FOR FURTHER CONDITIONAL LICENSE
Page 3 of 15
(3) For purposes of this Agreement, "relapse" in combination with a stated level shall have the following meanings:

(A) Level I – Failure to attend therapy meetings (including Caduceus or 12-Step), dishonesty, lying, not providing required reports, or other behavioral concerns.

(B) Level II – Detected drug or alcohol use not in the context of professional nursing practice (i.e., positive drug test but no evidence of impaired practice or workplace diversion).

(C) Level III – Substance reuse/abuse within the context of nursing practice (i.e., diversion in the workplace, sharps container in the car, caught in the act of self-administering, etc.).

The NMP, or other similar entity approved by the Board, shall be obligated to report to the Board any Level I, II or III relapse (as defined below) and change in contact information.

(4) RESPONDENT shall participate in treatment as recommended by Dr. Walter in Paragraph 3 hereinabove until successfully discharged, subject to further recommendation of his therapist or other treating professional, or as the result of further psychiatric or psychological testing.

(5) RESPONDENT shall attend a minimum of three (3) Alcoholics Anonymous (AA) or Narcotics Anonymous (NA) meetings per week, with at least monthly attendance at Caduceus meetings or other impaired professional support program groups meeting weekly, approved by NMP, or such similar monitoring services entity approved by the Board or its designee; and on a monthly basis will submit initialed documentation of attendance to his supervisor(s) and/or designated worksite monitor(s), as well as NMP, or such similar Board-approved monitoring program.

b. Restrictions on Dispensing or Administering Controlled Substances. RESPONDENT will not sign out, dispense or administer controlled substances for at least twenty-four (24) months, which may be subject to direct supervision for a subsequent minimum twelve (12) month period, followed by minimal supervision for a subsequent minimum twelve (12) month period and removal of restrictions for the remaining duration of this Agreement, provided no additional events or other causes indicate a need for direct supervision; and PROVIDED FURTHER, prior to the end of such above-indicated periods, a qualified substance abuse evaluator approved by PETITIONER must verify, in writing, that RESPONDENT has complied with the terms of this Agreement, and in the evaluator’s opinion, RESPONDENT is ready to assume greater responsibility for the administration of controlled substances with increasingly less supervision.

[CONTINUED ON FOLLOWING PAGE]
For purposes of this Agreement, “direct supervision” means that a supervising RN, or other approved health care professional, actually observes RESPONDENT removing and signing the log for all controlled substances and that the RN (or Board designate) shall conduct random checks to assure accurate delivery of controlled substances by RESPONDENT to patients and the RN shall verify logs for controlled substances and take all additional reasonable measures to ensure the same are being delivered as prescribed when administered by RESPONDENT; and “minimal supervision” means an RN, or other approved health care professional, shall check the accuracy of the controlled substances at the end of each of RESPONDENT’s working shifts.

During any period in which RESPONDENT is not employed in a nursing practice capacity, this subparagraph will be tolled for such period, in order that RESPONDENT’s initial authority to dispense or administer controlled substances with direct supervision will be maintained for at least twenty-four (24) months, or such other supervision as applicable.

A reported Level II or Level III Relapse by any source while under minimal supervision, including the NMP, shall result in RESPONDENT’s authorization to continue to dispense or administer controlled substances to be subject to direct supervision.

c. **Worksite Monitor.** RESPONDENT shall continue to be supervised by a worksite monitor as provided in the 2010 Conditional License, and immediately upon obtaining other or new nurse-related employment, RESPONDENT shall obtain the appropriate executions of the WORKSITE MONITORING AGREEMENT attached hereto as Appendix A, of each of his worksite monitor(s) or other individual who provides supervision.

d. **Additional Reporting/Update.** RESPONDENT shall provide PETITIONER with a written report on at least a monthly basis, or such other regular intervals required by the NMP, representing RESPONDENT’s progression and education in substance abuse recovery.

e. **Substance Abuse Evaluations.** RESPONDENT shall provide PETITIONER with a written report on an annual basis from the effective date of this Agreement representing a clinical substance abuse evaluation or assessment report by a qualified substance abuse professional acceptable to PETITIONER, to provide a clinical diagnosis (DSM-IV) of drug or alcohol abuse or chemical dependency, which should include an updated analysis and discussion regarding the status of RESPONDENT’s treatment or recovery program and a prognosis for continued sobriety or relapse, including recommended services or support.

f. **Further Psychiatric/Psychological Evaluation/Treatment.** In addition, RESPONDENT shall obtain a comprehensive psychiatric or biopsychosocial evaluation within one (1) year from the effective date of this Agreement and such other evaluations and participate in such treatment as recommended. RESPONDENT further shall provide the Board with a written report of such
psychiatric and/or psychological evaluations, which shall be updated at least annually.

g. **Authorizations.** RESPONDENT shall duly execute any medical information releases or other consents that further the objectives of this Agreement.

9. **Further Discipline from Significant Violation.** A significant violation of the terms of this Agreement, or a monitoring agreement with the NMP, or other similar entity approved by the Board, as well as the WORKSITE MONITORING AGREEMENT, shall constitute independent grounds for PETITIONER to seek further disciplinary action, and that RESPONDENT should immediately refrain from further practice of nursing and his license shall be immediately suspended pending further order of the Board. A "significant violation" within the meaning of this paragraph includes, but is not limited to any of the following occurrences:

a. The NMP, or other similar entity approved by the Board, reports either a Level II or Level III relapse in violation of RESPONDENT's monitoring agreement;

b. RESPONDENT obtains any prescription of a controlled substance without alerting or notifying NMP, or other similar entity approved by the Board, within seventy-two (72) hours of issuance of such prescription;

c. A positive screen for alcohol or any controlled substance for which RESPONDENT does not possess a valid prescription.

I, ERIC CANTRELL, ACKNOWLEDGE AND UNDERSTAND THAT A SIGNIFICANT VIOLATION DESCRIBED ABOVE WILL RESULT IN THE IMMEDIATE SUSPENSION OF MY LICENSE

10. **Notifications to Present/Future Employers.** RESPONDENT shall notify in writing any health care employer of the status of his Conditional License and the terms and conditions of this Agreement. RESPONDENT shall work only in a setting in which direct supervision by a Registered Professional Nurse is provided. RESPONDENT is further prohibited from practicing nursing in any traveling nurse practice, as well as any hospice, home health or community health care setting. In the event RESPONDENT relocates or obtains new or different employment, RESPONDENT shall promptly notify PETITIONER of the same.

11. **Additional Training Requirements.** RESPONDENT shall complete training in coursework similar to "Understanding the Disease of Addiction - July 2010" [continuing education article from the July 2010 Journal of Nursing Regulation – 1.6 CE units] provided by National Council of State Boards of Nursing, Inc. ("NCSBN"), and provide documentation of completion within ninety (90) days from the execution of this Agreement. In the event Respondent engages in conduct that is a further ground for discipline and/or does not provide documentation of completion of the coursework as provided above, Respondent’s Registered Nurse License No. RN 18706 should be suspended until completed or pending further order of the Board.

**IN THE DISCIPLINARY MATTER OF ERIC CANTRELL, RN 18706-- Docket No. 10-066 - MB/MKG SETTLEMENT AGREEMENT, STIPULATION AND ORDER FOR FURTHER CONDITIONAL LICENSE**

Page 6 of 15
12. The foregoing recommendations are authorized by Chapter 8, Section 4(c)(ii) of the Board’s Rules, which provides that PETITIONER, as the Disciplinary Committee, may “[r]ecommend the board approve a settlement agreement in accordance with the board’s authority set forth in the [NPA], the rules and regulations, and the Wyoming Administrative Procedure Act (“WAPA”). Such agreements may include the imposition of restrictions, conditions, reprimand, discipline, or a combination thereof[.]”

CONCLUSIONS OF LAW

1. Paragraphs 1 through 12 of the Findings of Fact are incorporated herein by reference.

Jurisdiction

2. The Board has jurisdiction in this matter and over RESPONDENT pursuant to the NPA [Wyo. Stat. §§ 33-21-119 et seq.], the Board’s Rules, and the WAPA [Wyo. Stat. §§ 16-3-101 et seq.].

Grounds for Further Disciplinary Action RE: WSBN Case No. 10-066

3. The Board concludes that RESPONDENT’s conduct described in Paragraph 2 a of the Findings of Fact hereinabove, and as specifically indicated in the 2011 Summary Suspension Order, constitutes violations of the NPA include: Wyo. Stat. § 33-21-146(a)(i) [act inconsistent with standards of nursing practice], Wyo. Stat. § 33-21-146(a)(iv)(A) and (B) [unfitness/incompetency due to use of drugs or other mind altering chemical/failure to conform to the standards of prevailing nursing practice], Wyo. Stat. § 33-21-146(a)(ix) [violation of any of the provisions of NPA or Board’s Rules]; and Wyo. Stat. § 33-21-146(a)(xii) [violation of a previously entered Board order].

4. The Board concludes that RESPONDENT’s conduct described in Paragraph 2 of the Findings of Fact hereinabove, and as specifically indicated in the 2011 Summary Suspension Order, constitute violations of the Board’s Rules, and including, unprofessional conduct [Chapter 3, Section 4(a)(i)(K)]; failure to comply with reasonable requests from the board [Chapter 3, Section 4(a)(j)(M)(IV)]; substance abuse/dependency/ impairment [Chapter 3, Section 4(a)(j)(N)(IV)]; and failure to conform to the standards of prevailing nursing practice, in which case actual injury need not be established [Chapter 3, Section 4(a)(ii)].

5. The applicable statutory and rule provisions referenced in the previous paragraphs are fully cited as follows:


(a) The board of nursing may . . . suspend or revoke the license, certificate or temporary permit of any person, or to otherwise discipline a licensee, upon proof that the person:
(i) Has engaged in any act inconsistent with uniform and reasonable standards of nursing practice as defined by board rules and regulations; * * *

(iv) Is unfit or incompetent to practice nursing by reason of negligence, habits or other causes including but not limited to: [¶] (A) Being unable to practice nursing with reasonable skill and safety to patients by reason of ... use of drugs, narcotics, chemicals or any other mind-altering material; or [¶] (B) Performance of unsafe nursing practice or failure to conform to the essential standards of acceptable and prevailing nursing practice, in which case actual injury need not be established; * * *

(ix) Has been found by the board to have violated any of the provisions of this act or of board rules and regulations; * * * [and]

(xii) Has violated a previously entered board order [•]

Chapter 3, Section 4(a) [Disciplinary Procedures for Licensed Practical Nurses and Registered Professional Nurses] of the Board’s Rules:

Grounds for Discipline:

(i) Engaging in any act inconsistent with uniform and reasonable standards of nursing practice, including but not limited to: * * * [¶] (K) Unprofessional Conduct; * * * [¶] (N) Impairment; * * * [¶] (IV) Chemical or alcohol impairment; * * * [and]

(ii) Failure to conform to the standards of prevailing nursing practice, in which actual injury need not be established.

Disciplinary Authority

6. Pursuant to WYO. STAT. § 33-21-122(c)(x) and WYO. STAT. § 33-21-146, and in accordance with Chapter 8, Section 4(d) [Disciplinary Committee and Review of the Original Complaint] of the Board’s Rules, the Board may resolve a complaint by: “(i) Approving the [PETITIONER’s] recommendations; [¶] (ii) Conducting a contested case hearing. Following the hearing and deliberation of all evidence admitted at a contested case hearing, the board may: [¶] (A) Dismiss the complaint due to lack of clear and convincing evidence; [¶] (B) Not impose discipline due to significant mitigating factors; [¶] (C) Impose discipline by revocation, suspension, reprimand, restriction, condition, non-renewal, or a combination thereof.”

7. The Board concludes, therefore, that violation of the foregoing statutory and rule provisions are subject to discipline of RESPONDENT’s Registered Nurse License. Alcohol or drug-impaired medical practitioners present a clear and obvious danger to the public. *Firman v. Department, State Bd. of Medicine, 697 A.2d 291, 296 (Pa. Cmwlth. 1997).* Therefore, the Board possesses authority to act where the acts of a nurse threaten the health and safety of the general public. *Id. Also see, Frank v. State by and through Wyoming Bd. of Dental Examiners, 965 P.2d 674, 679 (Wyo. 1998); Slagle v. Wyoming State Board of Nursing, 954 P.2d 979, 982 (Wyo. 1998).*
8. The Board further concludes that for the reasons expressed related to PETITIONER’s recommendations described in Paragraphs 6 through 12, inclusive, of the Findings of Fact hereinabove, subjecting RESPONDENT’s Registered Professional Nurse License, No. RN 18706, to a stayed suspension and specific terms and conditions to continue to practice, for discipline, is an appropriate alternative to a disciplinary proceeding and appropriate pursuant to the aforementioned statutory and regulatory provisions.

**ORDER**

**IT IS THEREFORE HEREBY SETTLED, STIPULATED AND ORDERED:**

1. The Board accepts this Agreement, which constitutes disciplinary action for the conduct set forth in the Findings of Fact and Conclusions of Law in this Agreement and shall be considered the terms and conditions under which RESPONDENT may continue to practice nursing in this State under his Registered Professional Nurse License, No. RN 18706.

2. **Suspension; Stayed.** RESPONDENT’s license to practice shall be suspended and he shall refrain from the practice of nursing for a period of one (1) year from the effective date of this Agreement. Subject to Paragraph 4 and Paragraph 6 of this Order, such suspension shall be stayed provided that RESPONDENT remains fully compliant with this Agreement and/or does not engage in conduct or commit acts that would constitute a further ground for discipline.

3. **Conditional License; Terms of License.** RESPONDENT shall, from the effective date of this Agreement, be deemed to possess a Conditional License for an **indefinite term, not less than sixty (60) months** from the effective date of this Agreement, pursuant to the Board’s authority in WYO. STAT. §33-21-149, and may practice nursing under the terms of RESPONDENT’s Registered Professional Nurse License, No. RN 18706, following which he may seek reinstatement without restriction of his license as provided by the Board’s Rules and this Agreement, subject to the following additional terms and conditions:

   a. **Monitoring Program Requirements.** RESPONDENT shall be monitored by the NMP, or other similar entity approved by the Board, for an **indefinite term, not less than sixty (60) months**, from the effective date of this Agreement and remain compliant with all terms of the current (and any subsequent) Monitoring Agreement(s), which are incorporated herein by this reference.

   (1) RESPONDENT shall promptly provide the Board with any and all modifications to his Monitoring Agreement(s), as well as any change in his employment status, change in contact information, and any violation of this Agreement.

   [CONTINUED ON FOLLOWING PAGE]
RESPONDENT shall submit to random drug screens, which should include screening for alcohol and its metabolites, all commonly prescribed opioids and synthetic opioids, and other drugs of abuse, which, if positive, shall constitute a relapse. The screen should also be able to detect diluents and common adulterants designed to skew results, and confirmed detection of an adulterant shall be treated as a relapse. RESPONDENT shall also make timely notification to the NMP of medically authorized prescriptions as required by the NMP.

For purposes of this Agreement, “relapse” in combination with a stated level shall have the following meanings:

(A) Level I – Failure to attend therapy meetings (including Caduceus or 12-Step), dishonesty, lying, not providing required reports, or other behavioral concerns.

(B) Level II – Detected drug or alcohol use not in the context of professional nursing practice (i.e., positive drug test but no evidence of impaired practice or workplace diversion).

(C) Level III – Substance reuse/abuse within the context of nursing practice (i.e., diversion in the workplace, sharps container in the car, caught in the act of self-administering, etc.).

The NMP, or other similar entity approved by the Board, shall be obligated to report to the Board any Level I, II or III relapse (as defined below) and change in contact information.

RESPONDENT shall participate in treatment as recommended by Dr. Walter in Paragraph 3 hereinabove until successfully discharged, subject to further recommendation of his therapist or other treating professional, or as the result of further psychiatric or psychological testing.

RESPONDENT shall attend a minimum of three (3) Alcoholics Anonymous (AA) or Narcotics Anonymous (NA) meetings per week, with at least monthly attendance at Caduceus meetings or other impaired professional support program groups meeting weekly, approved by NMP, or such similar monitoring services entity approved by the Board or its designee; and on a monthly basis will submit initialed documentation of attendance to his supervisor(s) and/or designated worksite monitor(s), as well as NMP, or such similar Board-approved monitoring program.

[CONTINUED ON FOLLOWING PAGE]
b. **Restrictions on Dispensing or Administering Controlled Substances.** RESPONDENT will not sign out, dispense or administer controlled substances for at least twenty-four (24) months, which may be subject to direct supervision for a subsequent minimum twelve (12) month period, followed by minimal supervision for a subsequent minimum twelve (12) month period and removal of restrictions for the remaining duration of this Agreement, provided no additional events or other causes indicate a need for direct supervision; and PROVIDED FURTHER, prior to the end of such above-indicated periods, a qualified substance abuse evaluator approved by PETITIONER must verify, in writing, that RESPONDENT has complied with the terms of this Agreement, and in the evaluator's opinion, RESPONDENT is ready to assume greater responsibility for the administration of controlled substances with increasingly less supervision.

(1) For purposes of this Agreement, “direct supervision” means that a supervising RN, or other approved health care professional, actually observes RESPONDENT removing and signing the log for all controlled substances and that the RN (or Board designate) shall conduct random checks to assure accurate delivery of controlled substances by RESPONDENT to patients and the RN shall verify logs for controlled substances and take all additional reasonable measures to ensure the same are being delivered as prescribed when administered by RESPONDENT; and “minimal supervision” means an RN, or other approved health care professional, shall check the accuracy of the controlled substances at the end of each of RESPONDENT's working shifts.

(2) During any period in which RESPONDENT is not employed in a nursing practice capacity, this subparagraph will be tolled for such period, in order that RESPONDENT’s initial authority to dispense or administer controlled substances with direct supervision will be maintained for at least twenty-four (24) months, or such other supervision as applicable.

(3) A reported Level II or Level III Relapse by any source while under minimal supervision, including the NMP, shall result in RESPONDENT’s authorization to continue to dispense or administer controlled substances to be subject to direct supervision.

c. **Worksite Monitor.** RESPONDENT shall continue to be supervised by a worksite monitor as provided in the 2010 Conditional License, and immediately upon obtaining other or new nurse-related employment, RESPONDENT shall obtain the appropriate executions of the WORKSITE MONITORING AGREEMENT attached hereto as Appendix A, of each of his worksite monitor(s) or other individual who provides supervision.

d. **Additional Reporting/Update.** RESPONDENT shall provide PETITIONER with a written report on at least a monthly basis, or such other regular intervals required by the NMP, representing RESPONDENT’s progression and education in substance abuse recovery.

[CONTINUED ON FOLLOWING PAGE]
e. **Substance Abuse Evaluations.** RESPONDENT shall provide PETITIONER with a written report on an annual basis from the effective date of this Agreement representing a clinical substance abuse evaluation or assessment report by a qualified substance abuse professional acceptable to PETITIONER, to provide a clinical diagnosis (DSM-IV) of drug or alcohol abuse or chemical dependency, which should include an updated analysis and discussion regarding the status of RESPONDENT's treatment or recovery program and a prognosis for continued sobriety or relapse, including recommended services or support.

f. **Further Psychiatric/Psychological Evaluation/Treatment.** Within forty-five (45) days from the effective date of this Agreement, RESPONDENT shall commence a treatment regime as recommended in Paragraph 3.c of the Findings of Fact hereinabove. In addition, RESPONDENT shall obtain a comprehensive psychiatric or biopsychosocial evaluation within one (1) year from the effective date of this Agreement and such other evaluations and participate in such treatment as recommended. RESPONDENT further shall provide the Board with a written report of such psychiatric and/or psychological evaluations, which shall be updated at least annually.

g. **Authorization.** RESPONDENT shall duly execute any medical information releases or other consents that further the objectives of this Agreement.

4. **Further Discipline from Significant Violation.** A significant violation of the terms of this Agreement, or a monitoring agreement with the NMP, or other similar entity approved by the Board, as well as the WORKSITE MONITORING AGREEMENT, shall constitute independent grounds for PETITIONER to seek further disciplinary action, and that RESPONDENT should immediately refrain from further practice of nursing and his license shall be immediately suspended pending further order of the Board. A "significant violation" within the meaning of this paragraph includes, but is not limited to any of the following occurrences:

   a. The NMP, or other similar entity approved by the Board, reports either a Level II or Level III relapse in violation of RESPONDENT's monitoring agreement;

   b. RESPONDENT obtains any prescription of a controlled substance without alerting or notifying NMP, or other similar entity approved by the Board, within seventy-two (72) hours of issuance of such prescription;

   c. A positive screen of any controlled substance for which RESPONDENT does not possess a valid prescription.

5. **Notifications to Present/Future Employers.** RESPONDENT shall notify in writing any health care employer of the status of his Conditional License and the terms and conditions of this Agreement. RESPONDENT shall work only in a setting in which direct supervision by a Registered Professional Nurse is provided. RESPONDENT is further prohibited from practicing nursing in any traveling nurse practice, as well as any hospice, home health or community health care setting. In the event RESPONDENT relocates or obtains new or different employment, RESPONDENT shall promptly notify PETITIONER of the same.
6. **Additional Training Requirements.** RESPONDENT shall complete training in coursework similar to “Understanding the Disease of Addiction - July 2010” [continuing education article from the July 2010 Journal of Nursing Regulation – 1.6 CE units] provided by National Council of State Boards of Nursing, Inc. (“NCSBN”), and provide documentation of completion within ninety (90) days from the execution of this Agreement. RESPONDENT’s license shall become suspended for failure to comply with this Paragraph within the time for compliance and remain suspended until the Board receives documentation of its completion.

7. **Publication of Discipline.** As permitted by Chapter 8, Section 4(b) of the Board’s Rules [Disciplinary Records], this Agreement shall be subject to publication on the Board’s website and a summary of the disciplinary action described therein shall be published in an issue of the Board’s quarterly publication, the Wyoming Nurse Reporter, following the Board’s approval of the Agreement.

8. **Reporting by Board of Discipline.** This Agreement also shall become a part of RESPONDENT’s permanent record with the Board. It, as well as the information that is part of Case/Docket No. 10-066, constitutes public records within the meaning of the Wyoming Public Records Act [WYO. STAT. §§ 16-4-201 et seq.] and, therefore, upon proper request shall be available for inspection and dissemination in accordance with or except as otherwise provided by applicable state and/or federal law, and the suspension of and conditions imposed on RESPONDENT’s Registered Professional Nurse License, No. RN 18706, for discipline, shall be reported to such public or private entities as required by law, including but not limited to the Healthcare Integrity and Protection Data Bank (“HIPDB”) and the Office of Inspector General (“OIG”), as well as reporting to the NCSBN, which may be accessed under the “NURSYS” web portal by authorized persons or entities.

9. **Continuing Jurisdiction.** The Board shall retain continuing jurisdiction in this matter to take further action as may be necessary to conclude this matter or other actions permitted by law.

10. **Reinstatement of License.** If RESPONDENT seeks to have complete reinstatement of his Registered Professional Nurse License, No. RN 18706, RESPONDENT shall submit his application no later than ninety (90) days prior to the expiration of this Agreement; and along with his application for reinstatement, RESPONDENT shall also provide the Board or its designee a clinical diagnosis (DSM-IV) of drug or alcohol abuse or chemical dependency, including an update of the information and recommendations indicated in the initial report. Such report should include an updated analysis and discussion regarding the status of RESPONDENT’s treatment or recovery program and a prognosis for continued sobriety or relapse, including recommended services or support, as well as any recommended psychiatric or psychological reports, which shall serve as a basis upon which any request for reinstatement shall be considered and RESPONDENT shall apply as otherwise provided by the Board’s Rules.
11. **Waiver of Contested Case Hearing.** RESPONDENT’s execution of this Agreement includes his full waiver of any contested case hearing to which he is entitled pursuant to the NPA and the WAPA.

12. **Effective Date.** This Agreement shall become effective upon full and complete execution by all signatories below. This Agreement constitutes the full and entire understanding between the parties, including RESPONDENT, PETITIONER and the Board.

13. **Enforcement.** This Agreement shall be enforceable in the Laramie County District Court in and for the State of Wyoming according to the laws of the State of Wyoming.

14. **Entire Agreement.** RESPONDENT’s execution of this Agreement includes his representation and acknowledgement that he has read and understands the terms and conditions of this Agreement, has been given an opportunity to consult and/or has consulted with counsel of his choice, and accordingly voluntarily enters into this Agreement of his own choosing and shall be bound by the terms and conditions thereof, until the Board issues any order to the contrary. RESPONDENT has been given no additional inducement to enter into and execute this Agreement. Should any portion of this Agreement be judicially determined to be void, illegal or unenforceable, the remainder of the Agreement shall continue in full force and effect, and either party may renegotiate the terms affected by the severance.

I, Eric Cantrell, RESPONDENT herein, swear that I have read the foregoing Agreement and agree to its terms and conditions as provided above.

**AGREED TO AND ACCEPTED BY RESPONDENT**

[Signature]

Eric Cantrell

Date: 9-28-11

STATE OF WYOMING

COUNTY OF Fremont

The foregoing document was subscribed and sworn to before me by

[Signature]

Eric Allen Cantrell, personally known to me or having established his/her identity by means of sufficient documentation, purporting to be the person signing the document, and the signature on the foregoing document was made in my presence, on the 28th day of Sept., 2011.

My Commission Expires: Nov. 23, 2011

[Signature]

Eyvette M. Becker - Notary Public

County of Fremont State of Wyoming

My Commission Expires November 23, 2011

[ADDITIONAL SIGNATURES APPEAR ON THE FOLLOWING PAGE]
AGREED TO AND ACCEPTED BY PETITIONER, DISCIPLINARY COMMITTEE

Marcie Burr, RN, FSA, CCHP, or
Mary Kay Goetter, PhD, RNC, NEA-BC

Date

APPROVED BY AND FOR THE WYOMING STATE BOARD OF NURSING:

Date

APPROVED AS TO FORM:

Robert J. Walls
Senior Assistant Attorney General
Attorney for PETITIONER
BEFORE THE WYOMING STATE BOARD OF NURSING

IN THE DISCIPLINARY MATTER OF
ERIC CANTRELL,
REGISTERED PROFESSIONAL NURSE
LICENSE NO. RN 18706

Docket No. 10-066
Prior Discipline Docket Nos. 09-10-546 and 05-034

SETTLEMENT AGREEMENT, STIPULATION AND ORDER
FOR CONDITIONAL LICENSE

COMES NOW the Disciplinary Committee, comprised of each of the undersigned ("PETITIONER"), of the Wyoming State Board of Nursing ("Board"), and ERIC CANTRELL, RN ("RESPONDENT"), pursuant to WYO. STAT. § 16-3-107(n) of the Wyoming Administrative Procedure Act ("WAPA") and WYO. STAT. § 33-21-122(c)(x) of the Nurse Practice Act ("NPA"), and Chapter 8, Section 4 [Disciplinary Committee and Review of Original Complaint] of the Administrative Rules and Regulations of the Wyoming State Board of Nursing ("Board’s Rules"), do hereby enter into this Settlement Agreement, Stipulation and Order for Conditional License ("Agreement"), subject to approval by the Board.

FINDINGS OF FACT

1. RESPONDENT is a Licensed Registered Professional Nurse in the state of Wyoming and holds Certificate No. RN 18706, which will expire on December 31, 2010, as reflected in the records of the Board.

a. As of the date of this Agreement, RESPONDENT’s license was a conditional license per Settlement Agreement, Stipulation and Order approved by the Board on October 9, 2007, arising from incidents of chemical dependency and relapses during monitoring by the Wyoming Professional Assistance Program ("WPAP") and which was a reinstatement of his voluntarily surrendered license due to chemical dependency issues. The October 9, 2007 settlement agreement will be referred to as “2007 Conditional License” in this Agreement, a copy of which is attached hereto as Exhibit A. The 2007 Conditional License is for five years from April 1, 2006, and would expire on April 1, 2011, unless there were violations to the 2007 Conditional License.

b. RESPONDENT’s license also was the subject of a disciplinary investigation that resulted in the issuance on July 9, 2010, of a notice of warning as provided in WYO. STAT. § 33-21-122(c) based upon violations related to his (1) failure to notify the Board of an application for nursing license in the State of Utah following his relocation to Utah, (2) misrepresentation of the status of Utah application; and (3) failure to comply with WPAP monitoring. RESPONDENT was subsequently asked to submit to drug screening. A copy of the notice of warning letter is attached hereto as Exhibit B.
c. In February of 2010, after his back surgery, RESPONDENT satisfactorily completed a panel 4 test for WPAP and was advised that the DC might require a hair sample to test for drug and alcohol compliance. This request was not made until June of 2010 after the respondent had got a haircut and a sample could not be obtained. A subsequent request for a hair sample was given in late October 2010 by the RESPONDENT and tested negative for drug or alcohol residues.

**Allegations RE Complaint in Case No. 10-066**

2. On October 11, 2010, Board compliance consultant initiated an administrative complaint with respect to RESPONDENT, which was assigned Case No. 10-066. Such complaint was based upon RESPONDENT's positive drug test for Ethyl Glucoronide on October 4, 2010, the same being also constituting a violation of the terms of his 2007 Conditional License and agreement with the Nurse Monitoring Program ("NMP"). Upon information and belief, RESPONDENT also has or is attempting to secure nurse-related employment upon his return to the State of Wyoming.

**Grounds and Recommendation for Discipline RE Complaint in Case No. 10-066**

3. PETITIONER alleges that RESPONDENT's above-described conduct as set forth in Paragraph 2 hereinabove, collectively and individually constitute violations of the NPA found at WYO. STAT. § 33-21-146(a)(i) [act inconsistent with standards of nursing practice], WYO. STAT. § 33-21-146(a)(iv)(A) and (B) [unfitness/incompetency due to use of drugs or other mind altering chemical/failure to conform to the standards of prevailing nursing practice].

4. PETITIONER further alleges that RESPONDENT's above-described conduct as set forth in Paragraph 2 hereinabove, collectively and individually constitute violations of the Board's Rules, and including, unprofessional conduct [Chapter 3, Section 4(a)(i)(K)]; failure to comply with reasonable requests from the board [Chapter 3, Section 4(a)(i)(M)(IV)]; substance abuse/ dependency/ impairment [Chapter 3, Section 4(a)(i)(N)(IV)]; and failure to conform to the standards of prevailing nursing practice, in which case actual injury need not be established [Chapter 3, Section 4(a)(ii)].

5. Violation of the foregoing statutory and rule provisions are subject to discipline, including suspension or revocation of RESPONDENT's nurse license. Notwithstanding, and in light of mitigating factors such as RESPONDENT's participation with and compliance with the Wyoming State Board of Nurse Monitoring Program ("NMP"), PETITIONER recommends that imposing conditions on RESPONDENT's Professional Registered Nurse License, RN 18706, for discipline, is an appropriate alternative to a formal disciplinary proceeding per WAPA for other forms of discipline, including suspension or revocation, of RESPONDENT's license.

[CONTINUED ON NEXT PAGE]
6. **Suspension Stayed.** Violation of the foregoing statutory and rule provisions are subject to discipline of RESPONDENT’s Licensed Registered Professional Nurse license. Notwithstanding, PETITIONER recommends that RESPONDENT refrain from the practice of nursing for a minimum period of six (6) months from the effective date of this Agreement, which shall be stayed provided that RESPONDENT remains fully compliant with this Agreement.

7. **Conditional License; Terms and Conditions.** In light of RESPONDENT’s cooperation in PETITIONER’s investigation and no further indications of substance abuse, a conditional license for a designated period of time not less than thirty-six (36) months is an appropriate alternative to the initiation of a formal disciplinary proceeding for other forms of discipline, and PETITIONER recommends *in lieu* of a formal disciplinary hearing for discipline of RESPONDENT’s registered nursing license as required by law, the following terms and conditions specified:

   a. **Monitoring Program Requirements.** RESPONDENT shall continue to be monitored by the NMP, or other similar entity approved by the Board, for a minimum thirty-six (36) month duration from the effective date of this Agreement and compliant with all terms of the current (and any subsequent) Monitoring Agreement(s), which are incorporated herein by this reference.

   (1) RESPONDENT shall promptly provide the Board with any and all modifications to her Monitoring Agreement(s), as well as any change in her employment status, change in contact information, and any violation of this Agreement.

   (2) RESPONDENT shall submit to random drug screens, which should include screening for all commonly prescribed opioids and synthetic opioids, which, if positive, shall constitute a relapse. The screen should also be able to detect diluents and common adulterants designed to skew results, and confirmed detection of an adulterant shall be treated as a relapse. RESPONDENT shall also make timely notification to the NMP of medically authorized prescriptions as required by the NMP.

   (3) For purposes of this Agreement, “relapse” in combination with a stated level shall have the following meanings:

   (A) Level I -- Failure to attend therapy meetings (including Caduceus or 12-Step), dishonesty, lying, not providing required reports, or other behavioral concerns.

   (B) Level II -- Detected drug or alcohol use not in the context of professional nursing practice (i.e., positive drug test but no evidence of impaired practice or workplace diversion).

   (C) Level III -- Substance reuse/abuse within the context of nursing practice (i.e., diversion in the workplace, sharps container in the car, caught in the act of self-administering, etc).

   The NMP, or other similar entity approved by the Board, shall be obligated to report to the Board any Level I, II or III relapse (as defined below) and change in contact information.
(4) RESPONDENT shall attend a minimum of three (3) Alcoholics Anonymous (AA) or Narcotics Anonymous (NA), and at least monthly attendance at Caduceus meetings or other impaired professional support program groups meeting weekly, approved by NMP, or such similar monitoring services entity approved by the Board or its designee, and on a monthly basis will submit initialed documentation of attendance to her supervisor(s) and/or designated worksite monitor(s), as well as NMP, or such similar monitoring services entity approved by the Board.

b. Restrictions on Dispensing or Administering Controlled Substances. RESPONDENT will not sign out, dispense or administer controlled substances without direct supervision for at least twelve (12) months, which may be subject to minimal supervision for a subsequent twelve-month period, and removal of restrictions the remaining duration of this Agreement, provided no events or other causes indicate a need for direct supervision and prior to the end of such periods, a qualified substance abuse evaluator approved by PETITIONER must verify, in writing, that RESPONDENT has complied with the terms of this Agreement, and in the evaluator’s opinion, RESPONDENT is ready to assume greater responsibility for the administration of controlled substances with less supervision.

(1) For purposes of this Agreement, “direct supervision” means that a supervising RN, or other approved health care professional, actually observes RESPONDENT removing and signing the log for all controlled substances and that the RN (or Board designate) shall conduct random checks to assure accurate delivery of controlled substances by RESPONDENT to patients and the RN shall verify logs for controlled substances and take all additional reasonable measures to ensure the same are being delivered as prescribed when administered by RESPONDENT, and “minimal supervision” means an RN, or other approved health care professional, shall check the accuracy of the controlled substances at the end of each of RESPONDENT’s working shifts.

(2) During any period in which RESPONDENT is not employed in a nursing practice capacity, this subparagraph will be tolled for such period, in order that RESPONDENT’s initial authority dispense or administer controlled substances with direct supervision for at least six (6) months.

(3) A reported Level II or Level III Relapse by any source while under minimal supervision, including the NMP, shall result in RESPONDENT’s authorization to continue to dispense or administer controlled substances to be subject to direct supervision.

c. Worksite Monitor. In addition, within fifteen (15) days of his execution of this Agreement, or immediately upon obtaining nurse related employment, RESPONDENT shall obtain the appropriate executions of the WORKSITE MONITORING AGREEMENT attached hereto as Appendix A, of each of her worksite monitor(s) or other individual who provides supervision.
d. **Additional Reporting/Update.** RESPONDENT shall provide PETITIONER with a written report on at least an annual basis, or such other regular intervals required by the NMP, representing RESPONDENT’s progression and education in substance abuse recovery.

c. **Substance Abuse Evaluations.** RESPONDENT shall provide PETITIONER with a written report on an annual basis representing a clinical substance abuse evaluation or assessment report by a qualified substance abuse professional acceptable to PETITIONER, to provide a clinical diagnosis (DSM-IV) of drug or alcohol abuse or chemical dependency, which should include an updated analysis and discussion regarding the status of RESPONDENT’s treatment or recovery program and a prognosis for continued sobriety or relapse, including recommended services or support.

g. **Authorizations.** RESPONDENT shall duly execute any medical information releases or other consents that further the objectives of this Agreement.

8. **Additional Training Requirements.** RESPONDENT shall complete training in coursework similar to “Ethics of Nursing Practice” [4.8 contact hrs], and “Professional Accountability” [5.4 contact hrs] provided by National Council of State Boards of Nursing, Inc. (“NCSBN”), and provide documentation of completion within ninety (90) days from the execution of this Agreement. In the event RESPONDENT does not provide documentation of completion of the coursework as provided above, RESPONDENT’s Registered Nurse License No. RN 18706 should be suspended until completed or pending further order of the Board.

9. **Further Discipline from Significant Violation.** A significant violation of the terms of this Agreement, or a monitoring agreement with the NMP, or other similar entity approved by the Board, as well as the WORKSITE MONITORING AGREEMENT, shall constitute independent grounds for PETITIONER to seek further disciplinary action, and that RESPONDENT should immediately refrain from further practice of nursing and her license shall be immediately suspended pending further order of the Board. A “significant violation” within the meaning of this subparagraph includes, but is not limited to any of the following occurrences:

a. The NMP, or other similar entity approved by the Board, reports either a Level II or Level III relapse in violation of RESPONDENT’s monitoring agreement;

b. RESPONDENT obtains any prescription of a controlled substance without alerting or notifying NMP, or other similar entity approved by the Board, within twenty-four (24) hours of issuance of such prescription;

c. A positive screen of any controlled substance for which RESPONDENT does not possess a valid prescription.
I, ERIC CANTRELL, ACKNOWLEDGE AND UNDERSTAND THAT A SIGNIFICANT VIOLATION DESCRIBED ABOVE WILL RESULT IN THE IMMEDIATE SUSPENSION OF MY LICENSE

10. Notifications to Present/Future Employers. RESPONDENT shall notify in writing any health care employer of the status of her conditional license and the terms and conditions of this Order. RESPONDENT shall work only in a setting in which direct supervision by a registered professional nurse is provided. RESPONDENT is further prohibited from practicing nursing in any traveling nurse practice, as well as any hospice, home health or community health care setting. In the event RESPONDENT relocates or obtains new or different employment, RESPONDENT shall promptly notify PETITIONER of the same.

11. The foregoing recommendations are authorized by Chapter 8, Section 4(c)(ii) of the Board's Rules, which provides that PETITIONER, as the Disciplinary Committee, may "[r]ecommend the board approve a settlement agreement in accordance with the board’s authority set forth in the [NPA], the rules and regulations, and the [WAPA]. Such agreements may include the imposition of restrictions, conditions, reprimand, discipline, or a combination thereof.

CONCLUSIONS OF LAW

1. Paragraphs 1-11 of the Findings of Fact are incorporated herein by reference.

2. The Board has jurisdiction in this matter and over RESPONDENT pursuant to NPA, WYO. STAT. § 33-21-119 et seq., the Board's Rules, and WAPA, WYO. STAT. § 16-3-101 et seq.

3. The Board concludes that the Findings of Fact above respecting RESPONDENT's conduct as set forth in Paragraph 2 hereinabove, collectively and individually constitute violations of the NPA found at WYO. STAT. § 33-21-146(a)(i) [act inconsistent with standards of nursing practice], WYO. STAT. § 33-21-146(a)(iv)(A) and (B) [unfitness/incompetency due to use of drugs or other mind altering chemical/failure to conform to the standards of prevailing nursing practice].

4. The Board further concludes that the Findings of Fact above conduct as set forth in Paragraph 2 hereinabove, collectively and individually constitute violations of the Board’s Rules, and including, unprofessional conduct [Chapter 3, Section 4(a)(i)(K)]; failure to comply with reasonable requests from the board [Chapter 3, Section 4(a)(i)(M)(IV)]; substance abuse/dependency/impairment [Chapter 3, Section 4(a)(i)(N)(IV)]; and failure to conform to the standards of prevailing nursing practice, in which case actual injury need not be established [Chapter 3, Section 4(a)(ii)].

[CONTINUED ON NEXT PAGE]
5. The applicable statutory and rule provisions referenced in the previous paragraph are fully cited as follows:

WYO. STAT. § 33-21-146. Disciplining licensees; grounds.

(a) The board of nursing may . . . suspend or revoke the license, certificate or temporary permit of any person, or to otherwise discipline a licensee, upon proof that the person:

(i) Has engaged in any act inconsistent with uniform and reasonable standards of nursing practice as defined by board rules and regulations; [and]

(iv) Is unfit or incompetent to practice nursing by reason of negligence, habits or other causes including but not limited to: (A) Being unable to practice nursing with reasonable skill and safety to patients by reason of . . . use of drugs, narcotics, chemicals or any other mind-altering material; or (B) . . . failure to conform to the essential standards of acceptable and prevailing nursing practice, in which case actual injury need not be established.

Chapter 3, Section 4(a) [Disciplinary Procedures for Licensed Practical Nurses and Registered Professional Nurses] of the Board’s Rules:

Grounds for Discipline:

(i) Engaging in any act inconsistent with uniform and reasonable standards of nursing practice, including but not limited to: * * *

(K) Unprofessional Conduct; * * *

(M) Failure to comply with reasonable requests from the board including, but not limited to: * * * (IV) Written response to request for explanation for failure to disclose required information;

(N) Impairment; * * * (IV) Chemical or alcohol impairment;

(ii) Failure to conform to the standards of prevailing nursing and nursing assistant practice, in which actual injury need not be established.

6. Pursuant to Chapter 8, Section 4(d) [Disciplinary Committee and Review of Original Complaint] of the Board’s Rules, the Board may resolve a complaint by: “(i) Approving the [PETITIONER’s] recommendations; [or] (ii) Conducting a contested case hearing. Following the hearing and deliberation of all evidence admitted at a contested case hearing, among other things, the board may: * * * (C) Impose discipline by revocation, suspension, reprimand, restriction, condition, non-renewal, or a combination thereof.”
7. The Board concludes, therefore, that violation of the foregoing statutory and rule provisions are subject to discipline of RESPONDENT’s nurse license. Alcohol or drug-impaired medical practitioners present a clear and obvious danger to the public. *Firman v. Department, State Bd. of Medicine*, 697 A.2d 291, 296 (Pa. Cmwlth. 1997). Therefore, the Board possesses authority to act where the acts of a nurse threaten the health and safety of the general public. *Id. Also see, Frank v. State By and Through Wyoming Bd. of Dental Examiners*, 965 P.2d 674, 679 (Wyo. 1998); *Slagle v. Wyoming State Board of Nursing*, 954 P.2d 979, 982 (Wyo. 1998).

8. The Board concludes, therefore, that violation of the foregoing statutory and rule provisions are subject to discipline of RESPONDENT’s nurse license. However, for the reasons expressed related to PETITIONER’s recommendations described in Paragraphs 5 through 11, inclusive, of the Findings of Fact hereinabove, subjecting RESPONDENT’s Registered Professional Nurse License No. RN 18706 to a stayed suspension and specific terms and conditions, for discipline, is an appropriate alternative to a disciplinary proceeding and appropriate pursuant to the afore-mentioned statutory and regulatory provisions.

**ORDER**

**IT IS THEREFORE HEREBY SETTLED, STIPULATED AND ORDERED:**

1. The Board accepts this Agreement, which constitutes disciplinary action for the conduct set forth in the Findings of Fact and Conclusions of Law in this Agreement and shall be considered the terms and conditions under which RESPONDENT may continue to practice registered professional nurse in this State under Registered Professional Nurse License, RN 18706.

2. **Suspension Stayed.** RESPONDENT shall refrain from the practice of nursing for a period of six (6) months from the effective date of this Agreement. Subject to Paragraph 4 and Paragraph 7 of this Order, such suspension shall be stayed provided that RESPONDENT remains fully compliant with this Agreement and/or does not engage in conduct that is a further ground for discipline, including but not limited to a Level II or Level III relapse as defined below.

3. **Terms of Conditional License.** RESPONDENT shall, from the effective date of this Agreement, be deemed to possess a conditional license for a period of thirty-six (36) months, pursuant to the Board’s authority in WYO. STAT. §33-21-149, and may practice nursing under the terms of RESPONDENT’s Registered Nurse License No. RN 18706 previously issued to RESPONDENT, subject to the following additional terms and conditions:

a. **Monitoring Program Requirements.** RESPONDENT shall continue to be monitored by the NMP, or other similar entity approved by the Board, for a minimum thirty-six (36) month duration from the effective date of this Agreement and compliant with all terms of the current (and any subsequent) Monitoring Agreement(s), which are incorporated herein by this reference.

*IN THE DISCIPLINARY MATTER OF ERIC CANTRELL, RN 18706– Docket No. 10-066*

**SETTLEMENT AGREEMENT, STIPULATION AND ORDER FOR CONDITIONAL LICENSE**

Page 8 of 14
(1) RESPONDENT shall promptly provide the Board with any and all modifications to her Monitoring Agreement(s), as well as any change in her employment status, change in contact information, and any violation of this Agreement.

(2) RESPONDENT shall submit to random drug screens, which should include screening for all commonly prescribed opioids and synthetic opioids, which, if positive, shall constitute a relapse. The screen should also be able to detect diluents and common adulterants designed to skew results, and confirmed detection of an adulterant shall be treated as a relapse. RESPONDENT shall also make timely notification to the NMP of medically authorized prescriptions as required by the NMP.

(3) For purposes of this Agreement, “relapse” in combination with a stated level shall have the following meanings:

   (A) Level I -- Failure to attend therapy meetings (including Caduceus or 12-Step), dishonesty, lying, not providing required reports, or other behavioral concerns.
   
   (B) Level II – Detected drug or alcohol use not in the context of professional nursing practice (i.e., positive drug test but no evidence of impaired practice or workplace diversion).
   
   (C) Level III – Substance reuse/abuse within the context of nursing practice (i.e., diversion in the workplace, sharps container in the car, caught in the act of self-administering, etc).

The NMP, or other similar entity approved by the Board, shall be obligated to report to the Board any Level I, II or III relapse (as defined below) and change in contact information.

(4) RESPONDENT shall attend a minimum of three (3) Alcoholics Anonymous (AA) or Narcotics Anonymous (NA), and at least monthly attendance at Caduceus meetings or other impaired professional support program groups meeting weekly, approved by NMP, or such similar monitoring services entity approved by the Board or its designee, and on a monthly basis will submit initialed documentation of attendance to her supervisor(s) and/or designated worksite monitor(s), as well as NMP, or such similar monitoring services entity approved by the Board.

b. Restrictions on Dispensing or Administering Controlled Substances. RESPONDENT will not sign out, dispense or administer controlled substances without direct supervision for at least twelve (12) months, which may be subject to minimal supervision for a subsequent twelve month period, and removal of restrictions the remaining duration of this Agreement, provided no events or other causes indicate a need for direct supervision and prior to the end of such periods, a qualified substance abuse evaluator approved by PETITIONER must verify, in writing, that RESPONDENT has complied with the terms of this Agreement, and in the evaluator’s opinion, RESPONDENT is ready to assume greater responsibility for the administration of controlled substances with less supervision.
For purposes of this Agreement, "direct supervision" means that a supervising RN, or other approved health care professional, actually observes RESPONDENT removing and signing the log for all controlled substances and that the RN (or Board designate) shall conduct random checks to assure accurate delivery of controlled substances by RESPONDENT to patients and the RN shall verify logs for controlled substances and take all additional reasonable measures to ensure the same are being delivered as prescribed when administered by RESPONDENT, and "minimal supervision" means an RN, or other approved health care professional, shall check the accuracy of the controlled substances at the end of each of RESPONDENT’s working shifts.

During any period in which RESPONDENT is not employed in a nursing practice capacity, this subparagraph will be tolled for such period, in order that RESPONDENT’s initial authority dispense or administer controlled substances with direct supervision for at least six (6) months.

A reported Level II or Level III Relapse by any source while under minimal supervision, including the NMP, shall result in RESPONDENT’s authorization to continue to dispense or administer controlled substances to be subject to direct supervision.

c. **Worksite Monitor.** In addition, within fifteen (15) days of his execution of this Agreement, or immediately upon obtaining further or additional nurse related employment, RESPONDENT shall obtain the appropriate executions of the WORKSITE MONITORING AGREEMENT attached hereto as Appendix A, of each of her worksite monitor(s) or other individual who provides supervision.

d. **Additional Reporting/Update.** RESPONDENT shall provide PETITIONER with a written report on at least an annual basis, or such other regular intervals required by the NMP, representing RESPONDENT’s progression and education in substance abuse recovery.

c. **Substance Abuse Evaluations.** RESPONDENT shall provide PETITIONER with a written report on an annual basis representing a clinical substance abuse evaluation or assessment report by a qualified substance abuse professional acceptable to PETITIONER, to provide a clinical diagnosis (DSM-IV) of drug or alcohol abuse or chemical dependency, which should include an updated analysis and discussion regarding the status of RESPONDENT’s treatment or recovery program and a prognosis for continued sobriety or relapse, including recommended services or support.

f. **Further Psychiatric/Psychological Evaluation/Treatment.** In addition, RESPONDENT shall obtain psychiatric or psychological evaluations and participate in treatment as recommended. RESPONDENT further shall provide the Board with a written report of such psychiatric and/or psychological evaluations, which shall be updated at least annually.

g. **Authorizations.** RESPONDENT shall duly execute any medical information releases or other consents that further the objectives of this Agreement.
4. **Additional Training Requirements.** RESPONDENT shall complete training in coursework similar to “Ethics of Nursing Practice” [4.8 contact hrs], and “Professional Accountability” [5.4 contact hrs] provided by National Council of State Boards of Nursing, Inc. (“NCSBN”), and provide documentation of completion within ninety (90) days from the execution of this Agreement. In the event RESPONDENT does not provide documentation of completion of the coursework as provided above, RESPONDENT’s Registered Nurse License No. RN 18706 should be suspended until completed or pending further order of the Board.

5. **Further Discipline from Significant Violation.** A significant violation of the terms of this Agreement, or a monitoring agreement with the NMP, or other similar entity approved by the Board, as well as the WORKSITE MONITORING AGREEMENT, shall constitute independent grounds for PETITIONER to seek further disciplinary action, and that RESPONDENT should immediately refrain from further practice of nursing and her license shall be immediately suspended pending further order of the Board. A “significant violation” within the meaning of this subparagraph includes, but is not limited to any of the following occurrences:

   a. RESPONDENT has either a documented Level II or Level III relapse, or the NMP, or other similar entity approved by the Board, reports either a Level II or Level III relapse in violation of RESPONDENT’s monitoring agreement;

   b. RESPONDENT obtains any prescription of a controlled substance without alerting or notifying NMP, or other similar entity approved by the Board, within twenty-four (24) hours of issuance of such prescription;

   c. A positive screen of any controlled substance for which RESPONDENT does not possess a valid prescription.

6. **Notifications to Present/Future Employers.** RESPONDENT shall notify in writing any health care employer of the status of her conditional license and the terms and conditions of this Order. RESPONDENT shall work only in a setting in which direct supervision by a registered professional nurse is provided. RESPONDENT is further prohibited from practicing nursing in any traveling nurse practice, as well as any hospice, home health or community health care setting. In the event RESPONDENT relocates or obtains new or different employment, RESPONDENT shall promptly notify PETITIONER of the same.

7. **Further Discipline from Significant Violation.** A significant violation of the terms of this Agreement, or a monitoring agreement with the NMP, or other similar entity approved by the Board, as well as the WORKSITE MONITORING AGREEMENT, shall constitute independent grounds for PETITIONER to seek further disciplinary action, and that RESPONDENT should immediately refrain from further practice of nursing and her license shall be immediately suspended pending further order of the Board. A “significant violation” within the meaning of this subparagraph includes, but is not limited to any of the following occurrences:

   a. The NMP, or other similar entity approved by the Board, reports either a Level II or Level III relapse in violation of RESPONDENT’s monitoring agreement;
b. RESPONDENT obtains any prescription of a controlled substance without alerting or notifying NMP, or other similar entity approved by the Board, within twenty-four (24) hours of issuance of such prescription;

c. A positive screen of any controlled substance for which RESPONDENT does not possess a valid prescription.

8. Notifications to Present/Future Employers. RESPONDENT shall notify in writing any health care employer of the status of her conditional license and the terms and conditions of this Order. RESPONDENT shall work only in a setting in which direct supervision by a registered professional nurse is provided. RESPONDENT is further prohibited from practicing nursing in any traveling nurse practice, as well as any hospice, home health or community health care setting. In the event RESPONDENT relocates or obtains new or different employment, RESPONDENT shall promptly notify PETITIONER of the same.

10. Reporting by Board of Discipline. This Agreement constitutes authorized disciplinary action of the Board and, as such, shall become a part of RESPONDENT’s permanent record with the Board. It, as well as the information that is part of Case/Docket No. 10-066, constitutes public records within the meaning of the Wyoming Public Records Act [Wyo. Stat. § 16-4-201 et seq.], and therefore, upon proper request shall be available for inspection and dissemination in accordance with or except as otherwise provided by applicable state and/or federal law, and the suspension of and conditions imposed on RESPONDENT’s Registered Professional Nurse License, RN 18706, for discipline, shall be reported to such public or private entities as required by law, including but not limited to the Healthcare Integrity and Protection Data Bank (“HIPDB”) and the Office of Inspector General (“OIG”), as well as reporting to the National Council of State Boards of Nursing, Inc. (“NCSBN”), which may be accessed under the “NURSYS” web portal by authorized persons or entities.

11. Continuing Jurisdiction. The Board shall retain continuing jurisdiction in this matter to take further action as may be necessary to conclude this matter or other actions permitted by law.

12. Entire Agreement; Waiver of Contested Case Hearing. RESPONDENT’s execution of this Agreement includes her representation and acknowledgement that she has read and understands the terms and conditions of this Agreement, has been given an opportunity to consult and/or has consulted with counsel of her choice, and accordingly voluntarily enters into this Agreement of her own choosing and shall be bound by the terms and conditions thereof, until the Board issues any order to the contrary. Accordingly, RESPONDENT also voluntarily waives any right to hearing that she might otherwise be entitled by law, including under the WAPA. RESPONDENT has been given no additional inducement to enter into and execute this Agreement.
13. **Effective Date; Enforcement.** This Agreement shall become effective upon full and complete execution by all signatories below. This Agreement constitutes the full and entire understanding between the parties, including RESPONDENT, PETITIONER and the Board. This Agreement shall be enforceable in the Laramie County District Court in and for the State of Wyoming according to the laws of the State of Wyoming.

I, Eric Cantrell, RESPONDENT herein, swear that I have read the foregoing Agreement and agree to its terms and conditions as provided above.

AGREED TO AND ACCEPTED BY RESPONDENT

[Signature]

Date

STATE OF WYOMING

COUNTY OF Fremont

The foregoing document was subscribed and sworn to before me by Eric Allen Cantrell, personally known to me or having established his/her identity by means of sufficient documentation, purporting to be the person signing the document, and the signature on the foregoing document was made in my presence, on the 11th day of Nov., 2010.

My Commission Expires:

[Signature]

Notary Public

[ADDITIONAL SIGNATURES APPEAR ON THE FOLLOWING PAGE]
AGREED TO AND ACCEPTED BY PETITIONER, DISCIPLINARY COMMITTEE:

Marcie Burr, RN, HSA, CCHP, or
Kim Williamson, LPN

Date

APPROVED BY AND FOR THE WYOMING STATE BOARD OF NURSING:

President or President’s designee

Date

APPROVED AS TO FORM:

Robert J. Walters
Senior Assistant Attorney General
Attorney for PETITIONER

APPROVED AS TO FORM:

John R. Hursh, Esq.
Central Wyoming Law Associates, PC
Attorney for RESPONDENT

IN THE DISCIPLINARY MATTER OF ERIC CANTRELL, RN 18706—Docket No. 10-066
SETTLEMENT AGREEMENT, STIPULATION AND ORDER FOR CONDITIONAL LICENSE
Page 14 of 14
AGREED TO AND ACCEPTED BY PETITIONER, DISCIPLINARY COMMITTEE:

Marcie Burr, RN, HSA, CCHP, or Kim Williamson, LPN

Date

APPROVED BY AND FOR THE WYOMING STATE BOARD OF NURSING:

President or President's designee

Date

APPROVED AS TO FORM:

Robert J. Walters
Senior Assistant Attorney General
Attorney for PETITIONER

John R. Hursh, Esq.
Central Wyoming Law Associates, PC
Attorney for RESPONDENT

IN THE DISCIPLINARY MATTER OF ERIC CANTRELL, RN 18706—Docket No. 10-066
SETTLEMENT AGREEMENT, STIPULATION AND ORDER FOR CONDITIONAL LICENSE
Page 14 of 14
AGREED TO AND ACCEPTED BY PETITIONER, DISCIPLINARY COMMITTEE:

Kim Williamson, RN
Marcie Burr, RN, HSA, CCHP, or
Kim Williamson, LPN

APPROVED BY AND FOR THE WYOMING STATE BOARD OF NURSING:

President or President's designee

APPROVED AS TO FORM:

Robert J. Walters
Senior Assistant Attorney General
Attorney for PETITIONER

John R. Hursh, Esq.
Central Wyoming Law Associates, PC
Attorney for RESPONDENT

RECEIVED
NOV 23 2010
WY BOARD OF NURSING
BEFORE THE WYOMING STATE BOARD OF NURSING

IN THE DISCIPLINARY MATTER OF
ERIC CANTRELL, RN 18706
REGISTERED PROFESSIONAL NURSE, LICENSE NO.

) Docket No. 10-066
) Prior Discipline Docket Nos.
) 09-10-546 and 05-034

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER OF SUMMARY SUSPENSION

THIS MATTER having come before a quorum of the Wyoming State Board of Nursing ("Board"), consisting of Tracy Wasserberger, A.P.R.N., President; Carrie Deselms, A.P.R.N., Vice President; Marguerite Herman, Secretary; Lee Carruthers, R.N.; Kellie Clausen, A.P.R.N.; and Lori Johnson, L.P.N., on July 26, 2011 for a contested case hearing in consideration of Petitioner's RECOMMENDATION AND MOTION FOR ORDER OF SUMMARY SUSPENSION. Petitioner, Marci Burr, R.N., appeared by and through Robert J. Walters, Senior Assistant Attorney General, and presented Exhibits A through T which were admitted into evidence. Respondent, Eric Cantrell, appeared in person pro se and presented Exhibit 1 which was admitted into evidence. The Board having reviewed the evidence, considered the arguments of the parties, and being otherwise advised, finds, concludes and orders as follows:

I. JURISDICTION.

The Board, under the authority granted to it by the Wyoming Nurse Practice Act (hereinafter “Act”) [WYO. STAT. ANN. §§ 33-21-119, et seq.] and the Board RULES AND REGULATIONS, is the sole regulatory agency designated to license, certify, and regulate registered professional nurses, licensed practical nurses, and certified nursing assistants/aides in the State of Wyoming. The Act gives the Board authority to discipline and administer appropriate disciplinary action against all individuals found guilty of violating the Act and board rules and regulations. WYO. STAT. ANN. § 33-21-122(c)(x). In addition, the Act authorizes the Board to
conduct "investigations, hearings and proceedings concerning alleged violations of" the Act.
WYO. STAT, ANN. § 33-21-122(c)(viii). The Board RULES AND REGULATIONS authorize the Board to summarily suspend a license upon a finding that the licensee presents a clear and immediate danger to the public health, safety and welfare if allowed to continue to practice.

Rules, Chapter 8, Section 4(c)(iv).

On the date of the hearing and at the time of the conduct in question, Respondent held Wyoming Registered Professional Nurse (hereinafter "R.N.") License Number RN 18706. Therefore, the Board has jurisdiction over this matter pursuant to the Act, WYO. STAT. ANN. § 33-21-119 et seq., the Wyoming Administrative Procedure Act, WYO. STAT. ANN. § 16-3-101 et seq., and the Board RULES AND REGULATIONS.

II. STATEMENT OF THE CASE.

Petitioners generally allege that Respondent violated the terms of his conditional license, as well as the Act and Board RULES AND REGULATIONS, by submitting a positive urine screen alcohol. Petitioners recommended a summary suspension of Respondent's license. Respondent does not dispute that he submitted a positive urine screen but requested that the Board not suspend his license.

III. ISSUES AND CONTENTIONS.

The issues before the Board are whether Respondent presents a clear and immediate danger to the public health, safety and welfare if he is allowed to continue to practice.

IV. FINDINGS OF FACT.
1. Respondent holds licensure in Wyoming as a Registered Professional Nurse, holding license number RN 18706.

2. Respondent is the subject of a SETTLEMENT AGREEMENT, STIPULATION AND ORDER FOR CONDITIONAL LICENSE ("CONDITIONAL LICENSE") which was entered between Respondent and Petitioners, and Approved by the Board in November 2010. [Exhibit A]. Among the terms of such CONDITIONAL LICENSE are that Respondent be monitored by the Nurse Monitoring Program "(NMP)", to include random drug screens, and that any significant violation of the CONDITIONAL LICENSE will result in the immediate suspension of his license. Additionally, the CONDITIONAL LICENSE requires Respondent to submit to psychiatric and/or psychological evaluations and to participate in treatment as recommended.

3. At the hearing Respondent acknowledged the CONDITIONAL LICENSE and the terms therein.

4. On or about May 23, 2011, Patti Hefflin, Board compliance consultant, informed Respondent that he had submitted a positive urine drug screen for alcohol. [Exhibit H].

5. Respondent admitted to consuming alcohol on or about May 11, 2011. [Exhibit I]. At the hearing, Respondent again acknowledged the positive screen.

6. Respondent independently submitted to an Addiction Severity Index Evaluation ("ASI") following the positive urine drug screen. [Exhibit Q].

7. The ASI indicates that Respondent is at a low risk for relapse to alcohol but indicates a diagnosis of alcohol abuse.

8. Patti Hefflin testified at the hearing to Respondent's history of compliance with the Nurse Monitoring Program. Ms. Hefflin testified that Respondent missed required urine drug
screens in July and August of 2010 and that he failed urine screens in October 2010 and May 2011. Ms. Hefflin testified that Respondent was otherwise compliant with the NMP.

9. Ms. Hefflin was asked about her impressions regarding the ASI. Ms. Hefflin testified that she was concerned that there was no reference in the ASI to Respondent's previous relapses while being monitored. Ms. Hefflin had difficulty with the conclusion that Respondent was a low risk for relapse because she could not determine what information the evaluator had regarding Respondent's previous non-compliance with monitoring.

10. Ms. Hefflin testified to her impressions of a letter submitted by Respondent's counselor. [Exhibit R]. Ms. Hefflin testified that although the counselor believes suspension of Respondent's license is not necessary and that he has a diminished risk of relapse, there are no recommendations for continued treatment and monitoring to address his recent relapses.

11. Based the positive urine screen, review of the ASI and the counselor's letter, Ms. Hefflin recommended a further psychiatric evaluation by a physician to include recommendations about further treatment and monitoring recommendations.

12. Petitioner testified that she wanted Respondent to submit to a more thorough substance abuse evaluation and recommended a suspension of Respondent's license until a treatment and monitoring plan can be put in place.

13. Respondent presented several witnesses on his behalf. All such witnesses generally concurred that they are fully aware of Respondent's issues and his CONDITIONAL LICENSE, that they had never witnessed Respondent to be impaired, that suspension is not appropriate for Respondent, but that continued treatment would be beneficial to Respondent.

14. Respondent testified on his own behalf. He testified that he drank alcohol in May 2011 as a result of anger issues related to the NMP. He indicated that after five (5) years of
sobriety he felt he was being unfairly scrutinized as a result of an accidental exposure to alcohol in October 2010. He testified that he is working on his anger issues with a counselor and that he is working to meet the Board’s expectations. Respondent asked the Board for consideration of his overall compliance with his CONDITIONAL LICENSE.

15. The Board finds that the ASI and Respondent’s counselor do not provide clear guidance as to Respondent’s ongoing treatment and monitoring. The Board is troubled that Respondent has demonstrated a periodic inability to comply with the terms of his CONDITIONAL LICENSE, including missed and failed urine screens, and that the ASI and the counselor do not address such issues. Furthermore, the Board observes that the CONDITIONAL LICENSE contemplates complete abstention from mind-altering substances of any kind; however the ASI and the counselor do not appear to give consideration to the CONDITIONAL LICENSE or his previous non-compliance with the terms therein in reaching the conclusion that he is at a low risk for relapse.

16. After careful consideration, the Board finds that Respondent does present a clear and immediate threat to the public health, safety and welfare and that a suspension is warranted at this time.

17. The Board finds that a suspension should be imposed, effective July 26, 2011 at 2:00 p.m., until the Board’s next Board meeting, on September 27, 2011. Respondent shall submit to a psychiatric or psychological substance abuse evaluation subject to the following terms:

a. The psychiatric or psychological evaluator shall be a preapproved by the Petitioner. Respondent shall submit his proposal for the evaluation in writing to the Petitioner who shall approve or disprove of the proposal in writing.
b. Respondent shall provide the Board with a written report, as prepared by the approved evaluator, on or before September 26, 2011.

c. Petitioners shall ensure that the Board approved evaluator is provided with all relevant documentation and information concerning Respondent.

d. It is incumbent upon Respondent that he pursue the evaluation and approval with all due diligence to ensure that the evaluation is completed in a timely manner and that a written report is provided to the Board on or before September 26, 2011.

e. The suspension shall expire automatically on September 27, 2011 at 11:59 p.m. If the evaluation is not submitted to the Board in a timely manner, or if information is provided that warrants further suspension of Respondent’s license, the Board reserves the right to continue the suspension beyond September 27, 2011 at 11:59 p.m.

V. CONCLUSIONS OF LAW.

A. Principles of Law.

18. Paragraphs 1 through 16 of the Findings of Fact are fully incorporated herein.

19. The Board is the state agency exclusively charged with regulating the practice of nursing in the State of Wyoming pursuant to the Act, WYO. STAT. ANN. § 33-21-119, et seq.


21. Board RULES AND REGULATIONS, Chapter 8, Section 4(c)(iv) provides that the Board may summarily suspend a license upon a finding that the licensee presents a clear and immediate danger to the public health, safety and welfare if allowed to continue to practice.
B. Application of Principles of Law.

21. The Board concludes that Respondent presents a clear and immediate threat to the public health, safety and welfare and that a suspension is warranted at this time.

22. The Board concludes that a suspension should be imposed, effective July 26, 2011 at 2:00 p.m., until the Board’s next Board meeting, on September 27, 2011. Respondent shall submit to a psychiatric or psychological substance abuse evaluation subject to the following terms:

a. The psychiatric or psychological evaluator shall be preapproved by the Petitioner. Respondent shall submit his proposal for the evaluation in writing to the Petitioner who shall approve or disprove of the proposal in writing.

b. Respondent shall provide the Board with a written report, as prepared by the approved evaluator, on or before September 26, 2011.

c. Petitioners shall ensure that the Board approved evaluator is provided with all relevant documentation and information concerning Respondent.

d. It is incumbent upon Respondent that he pursue the evaluation and approval with all due diligence to ensure that the evaluation is completed in a timely manner and that a written report is provided to the Board on or before September 26, 2011.

e. The suspension shall expire automatically on September 27, 2011 at 11:59 p.m. If the evaluation is not submitted to the Board in a timely manner, or if information is provided that warrants further suspension of Respondent’s license, the Board reserves the right to continue the suspension beyond September 27, 2011 at 11:59 p.m.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED based on the foregoing FINDINGS OF FACT AND CONCLUSIONS OF LAW, Respondent’s license as a Registered Professional Nurse is SUSPENDED effective July 26, 2011 at 2:00 p.m., until the Board’s next Board meeting, on
September 27, 2011. Respondent shall submit to a psychiatric or psychological substance abuse evaluation subject to the following terms:

a. The psychiatric or psychological evaluator shall be preapproved by the Petitioner. Respondent shall submit his proposal for the evaluation in writing to the Petitioner who shall approve or disapprove the proposal in writing.

b. Respondent shall provide the Board with a written report, as prepared by the approved evaluator, on or before September 26, 2011.

c. Petitioners shall ensure that the Board approved evaluator is provided with all relevant documentation and information concerning Respondent.

d. It is incumbent upon Respondent that he pursue the evaluation and approval with all due diligence to ensure that the evaluation is completed in a timely manner and that a written report is provided to the Board on or before September 26, 2011.

e. The suspension shall expire automatically on September 27, 2011 at 11:59 p.m. If the evaluation is not submitted to the Board in a timely manner, or if information is provided that warrants further suspension of Respondent’s license, the Board reserves the right to continue the suspension beyond September 27, 2011 at 11:59 p.m.

DATED this 12 day of August, 2011.

FOR THE BOARD:

Marguerite Herman, Board Secretary

APPROVED AS TO FORM:

Sean C. Chambers
Senior Assistant Attorney General, Board Counsel
CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served upon the following persons as indicated, on the 12th day of August, 2011, addressed to the following:

Robert J. Walters - Prosecuting Attorney for Board via E-Mail
Senior Assistant Attorney General
2424 Pioneer Avenue
Cheyenne, Wyoming 82002

Sean C. Chambers – Attorney for Board via E-Mail
Senior Assistant Attorney General
2424 Pioneer Avenue
Cheyenne, Wyoming 82002

Office of Administrative Hearings via Hand Delivery
2020 Carey Avenue, 5th Floor
Cheyenne, WY 82001

Eric Cantrell via Certified Mail and
P.O. Box 1179 E-Mail
Riverton, WY 82501 kirby_dog95@yahoo.com

Wyoming State Board of Nursing

In the Disciplinary Matter of Eric Cantrell, RN 18706 – Docket No. 10-066
FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER OF SUMMARY SUSPENSION
Page 9 of 9